



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

FEDEX

Mr. Charles Lin, Director
Environmental Technical Support
AMTRAK Wilmington Maintenance Facility
4001 Vandever Ave.
Wilmington, DE 19802

JUL 24 2006

**Re: Notice of Violation
Compliance Evaluation Inspection
March 10, 2006
AMTRAK Wilmington Maintenance Facility
EPA ID No. DED060058062**

**Docket Nos.: R3-06-NOV-RCRA-32
R3-06-NOV-UST-10**

Dear Mr. Lin:

On March 10, 2006, the U.S. Environmental Protection Agency, Region III ("EPA") conducted a Compliance Evaluation Inspection ("CEI") under the federally authorized Delaware Regulations Governing Hazardous Waste ("DRGHW") and Delaware Regulations Governing Underground Storage Tank Systems ("DRGUST"), and the Resource Conservation and Recovery Act ("RCRA"), as amended, 42 U.S.C. Sections 6901 et seq. Based on that inspection and/or review of other pertinent information, EPA has determined that the AMTRAK Wilmington Maintenance Facility ("AMTRAK" or "Facility") is in violation of regulations promulgated under DRGHW, DRGUST, and RCRA. As a result of this finding, the Agency is issuing this **Notice of Violation ("NOV")**. The specific violations are:

Underground Storage Tank ("UST") Program

1. At the time of the inspection, the Facility had not been maintaining records relating to the interstitial monitoring leak detection system in place for the two Underground Storage Tanks (USTs) located in the wastewater treatment area. The Facility was instead maintaining records only of the product level gauging system, almost all of which were shown to be invalid due to low level or product being added.

According to DRGUST § 8.01F(2), the Facility must maintain records and results of all release detection monitoring. As the current product level system cannot adequately test for leaks due to consistent low levels and/or product being added, AMTRAK must either modify the system to be able to adequately check for leaks, or simply maintain records showing that the interstitial leak detection system in place is adequately performing the required release detection. It should be noted that in AMTRAK's May 12, 2006 response to EPA's April 21 Information Request Letter, the Facility stated that daily interstitial leak tests are now being conducted and records of such are being maintained.

Hazardous Waste Program

2. At several locations denoted by the Facility as "satellite accumulation areas," AMTRAK appeared to be storing more than 55 gallons of hazardous waste. This included three 55-gallon drums of used aerosol cans and/or aerosol can waste being stored in the Machine Shop area of the Locomotive Shop; two 55-gallon drums of "used glycol" being stored between the tracks of the Main Bay; two 55-gallon drums of "blast material" found in the plastic shot unit room of the Electric Shop; one 55-gallon drum of crushed fluorescent bulb waste and two 55-gallon drums of aerosol can waste found in the Maintenance Shop; two 55-gallon drums of aerosol can waste in Car Shop 1; and three 55-gallon drums of various hazardous wastes found in Car Shop 2, including mineral spirits/thinner, paint/rag waste, and aerosol can waste.

DRGHW §262.34(c)(1) allows for satellite accumulation of up to 55 gallons of hazardous waste per area. 262.34(c)(2) requires the generator to immediately comply with the less-than-90-day requirements found in 262.34(a) once that amount is exceeded. AMTRAK must ensure that no more than 55 gallons of hazardous waste are stored in each satellite accumulation area, or that all requirements for less-than-90-day storage are met in these areas. If neither of these requirements is met, the Facility must obtain a permit to allow for storage of the waste.

3. In the Relay Room on the second floor of the Electric Shop, a small spray booth was present. This contained a 55-gallon plastic container of hazardous used aerosol cans, although it was not labeled as "Hazardous Waste" nor with other words describing its contents.

If this was intended to be a satellite accumulation area, AMTRAK must comply with DRGHW §262.34(c)(1)(ii) and mark the container with the words "Hazardous Waste" or with other words describing its contents. Failure to comply with the satellite requirements would require that AMTRAK follow the less-than-90-day storage requirements for this area, or obtain a permit to allow for storage of the waste. It should be noted that in AMTRAK's May 12, 2006 response to EPA's April 21 Information Request Letter, the Facility stated that this area is now being treated as a satellite accumulation area and the container has been properly labeled.

4. Inspection logs of the Facility's less-than-90-day storage area were not found for the following time periods: the month of December 2004; between the dates of August 17 and September 2, 2005; and between December 19, 2005 and January 5, 2006.

DRGHW §262.34(a)(1)(i) requires that facilities which intend to comply with the less-than-90-day storage requirements (in lieu of applying for a storage permit) must also comply with the container management regulations found in Subpart I. §265.174 of this subpart requires the facility to inspect container storage areas at least weekly and to maintain written records of these inspections for at least three years.

5. With respect to the Facility's RCRA training program, the following was not found: a list of job descriptions for each employee whose position relates to hazardous waste management.

DRGHW §262.34(a)(4) requires that facilities which intend to comply with the less-than-90-day storage requirements (in lieu of applying for a storage permit) must also comply with the training requirements found in §265.16. §265.16(d)(2) requires that such a list be maintained at the facility.

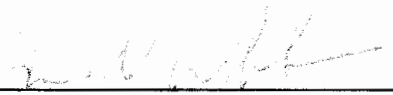
Area of Concern:

1. At the time of the inspection, several documents were not able to be reviewed, such as the "drum waste" manifests for shipments made in 2006. Although copies of these manifests were included with the Facility's May 12 response, it is recommended a more coherent filing system is established to allow for easier management of these documents.

Within thirty (30) calendar days of the receipt of this NOV, please submit documentation of any measures AMTRAK has taken or is taking to achieve compliance with the violations noted above or provide an explanation of facts and circumstances that cause you to believe that EPA's determination of the alleged violations is in error. It may be noted that the Facility's Information Request response, dated May 12, 2006, responded to some of the above issues. If the compliance measures identified are planned or are on-going, please provide a schedule for when the compliance measures will be completed.

Section 3008(a) of RCRA authorizes EPA to take an enforcement action whenever it is determined that any person has violated, or is in violation, of any requirement of RCRA as amended. Such an action could include a penalty of up to \$27,500 per day of violation. In addition, failure to achieve and maintain compliance with the regulations cited in this NOV may be treated as a repeated offense and may constitute a "knowing" violation of Federal law. This NOV is not intended to address all past violations, nor does it preclude EPA from including any ongoing violations, including the ones cited in this letter, or past violations in any future enforcement action. The response to this NOV shall be addressed to:

Martin Matlin
U.S. Environmental Protection Agency - Region III
RCRA Compliance and Enforcement Branch (3WC31)
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029


James N. Webb
Associate Director
Office of Enforcement
Waste and Chemicals Management Division


Date

cc: Alex Rittberg, DNREC
Karen J'Anthony, DNREC
Martin Matlin, 3WC31
Terri DiFiore, 3WC31

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CONCURRENCES

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